

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEITH A. JACKSON,	§
	§ No. 352, 2011
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID Nos. 0901011114
	§ 0901023470
Plaintiff Below-	§
Appellee.	§

Submitted: July 25, 2011
Decided: August 12, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 12th day of August 2011, it appears to the Court that:

(1) On July 18, 2011, the Court received the appellant's notice of appeal from the Superior Court's order, docketed on June 13, 2011, which denied the appellant's motion for Level V credit time. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before July 13, 2011.

(2) On July 19, 2011, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on July 25, 2011. In the response, the

appellant states that he is acting *pro se* and did not realize that there was a deadline for the filing of his notice of appeal.

(3) Pursuant to Rule 6, the appellant's notice of appeal had to be filed within 30 days after entry upon the docket of the judgment or order being appealed. Time is a jurisdictional requirement.¹ A notice of appeal must be received by the Office of the Clerk within the applicable time period in order to be effective.² An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.³ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.⁴

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² Supr. Ct. R. 10(a).

³ *Carr v. State*, 554 A.2d at 779.

⁴ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice